

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

November 16, 2009

DIVISION ONE

Court convened at 9:00 a.m.

Present: Mallano, P.J., Rothschild, J., Chaney, J., Johnson, J. and C. Hon, Deputy Clerk.

Each of the following:

B207859 People v. Brewer
B209764 People v. Ramirez
B210859 People v. Aguilar
B211170 People v. A.S.
B211640 People v. Ordonez
B211886 People v. Cordova
B212459 DCFS v. V.C.
B213382 People v. Espinoza
B213734 People v. Silva
B213738 People v. Day
B213804 People v. C.G.
B215617 DCFS v. V.C.
B216054 DCFS v. J.D.
B217855 D.N., Sr., et al. v. SCLA (DCFS)

Argument waived, cause submitted.

B210530 People
 v.
 Parnell

Merits:

Argued by Leonard J. Klaif for appellant and by David A. Wildman,
Deputy Attorney General for respondent. Cause submitted.

DIVISION ONE (continued)

B204543 Garcia, Jr.
 v.
 Bryan

Merits:

Argued by Manuel Garcia, Jr., appellant in propria persona and by Kelly Warren for respondent. Cause submitted.

B207933 People
 v.
 Gonzalez

Merits:

Argued by Lise Breakey for appellant and by Lauren Dana, Deputy Attorney General for respondent. Cause submitted.

B209486 Jaimez
 v.
 Daiohs USA, Inc., et al.

Merits:

Argued by Joseph Antonelli for appellant and by Tracey A. Kennedy for respondents. Cause submitted.

Mallano, P.J. leaves the bench.

B211368 People
 v.
 Wright

Merits:

Argued by Joseph S. Klapach for appellant and by Tasha G. Timbadia, Deputy Attorney General for respondent. Submission is deferred to allow for additional briefing. Appellant's letter brief due by November 25, 2009; respondent's letter brief due by December 8, 2009, at which point the matter will be submitted.

DIVISION ONE (continued)

B209220 Notaro
 v.
 Spitzberg

Both parties have waived argument, cause submitted.

Court adjourned.

B208170 People (Not for Publication)
 v.
 Gutierrez

The judgment is affirmed.

Johnson, J.

We concur: Mallano, P.J.
 Chaney, J.

DIVISION TWO

B212073 Kojababian (Not for Publication)
 v.
 Treyzon, et al.

The order sustaining the demurrer without leave to amend, which we have construed as a judgment, is affirmed. Parties to bear their own costs on appeal.

Doi Todd, Acting P.J.

We concur: Ashmann-Gerst, J.
 Chavez, J.

DIVISION TWO (continued)

B209227 People (Not for Publication)
v.
Naya

The order appealed from is affirmed.

Boren, P.J.

We concur: Ashmann-Gerst, J.
Chavez, J.

[illegible]

The judgment is modified to amend the minute order of judgment to conform to the oral pronouncement of judgment, i.e., to provide that appellant must “not use or possess any narcotics, dangerous or restricted drugs or associated paraphernalia, except with a valid prescription and stay away from places where users or sellers are known to congregate. Do not associate with known drug users or sellers unless attending a drug treatment program.” Also, the condition requiring appellant to “[m]aintain residence as approved by the probation officer” is stricken, and the trial court is directed to replace this condition with a more narrowly tailored condition that would allow the probation officer to track appellant’s residence. In all other respects, the judgment is affirmed. The superior court is directed to amend the minute order to include the conditions as corrected.

Doi Todd, Acting P.J.

We concur: Ashmann-Gerst, J.
Chavez, J.

DIVISION TWO (continued)

B210662 People (Not for Publication)
v.
Denmark and McCoy

The judgments are affirmed.

Ashmann-Gerst, J.

We concur: Boren, P.J.
 Chavez, J.

B212559 People (Not for Publication)
v.
Moss

The judgment is modified by striking the true finding on the allegation under section 12022.6, subdivision (a) and vacating the term imposed under that section. As modified, the judgment is affirmed. The superior court shall have its clerk prepare and send to the California Department of Corrections and Rehabilitation an amended abstract of judgment reflecting the modification to the judgment.

Doi Todd, J.

We concur: Boren, P.J.
 Ashmann-Gerst, J.

DIVISION TWO (continued)

B210999 People (Not for Publication)
v.
Magana

Appellant's sentence is reversed and the matter is remanded for resentencing by either striking the one-year prior prison term enhancement (§ 667, subd. (a)(1)) or imposing it consecutively with the other prison terms. In all other respects, the judgment is affirmed.

Boren, P.J.

We concur: Ashmann-Gerst, J.
Chavez, J.

B211940 Ye Olde King's Head, et al.
v.
Fleming Gray

Filed order denying petition for rehearing.

DIVISION FIVE

B211755 Electric Pointe, LLC (Not for Publication)
v.
The California Coastal Commission, et al

The judgment is affirmed. Respondent(s) to recover costs.

Armstrong, J.

I concur: Turner, P.J.
I concur: Mosk, J. (opinion)

DIVISION SIX

B213125 People (Not for Publication)
v.
Kimberly Klein
Robert G. Klein

The judgment is affirmed.

Perren, J.

We concur: Yegan, Acting P.J.
Coffee, J.

B210779 Dunne (Not for Publication)
v.
Lara

The order under review is affirmed. Costs are awarded to respondent.

Coffee, J.

We concur: Gilbert, P.J.
Perren, J.

B215949 People
v.
Hauth

Filed order granting motion to dismiss appeal. Appeal (notice of appeal filed 3/3/09) dismissed.

DIVISION SEVEN

B211764 Ward (Not for Publication)

V.

Munoz, individually and as a Trustee, etc.

The judgment is reversed and the matter is remanded for further proceedings not inconsistent with this opinion. Ward is to recover her costs on appeal.

Perluss, P.J.

We concur: Woods, J.
Zelon, J.

B212801 Briones, et al. (Not for Publication)

V.

Ramos

The judgment is affirmed. Ramos is to recover her costs on appeal.

Perluss, P.J.

We concur: Woods, J.
 Jackson, J.

B215705 People (Not for Publication)

V.

Turner

The appeal is dismissed.

Woods, Acting P.J.

We concur: Zelon, J.
 Jackson, J.

DIVISION SEVEN (continued)

B213599 People (Not for Publication)
v.
Moore

The post-judgment order revoking probation and executing the previously suspended state prison sentence is affirmed.

Woods, Acting P.J.

We concur: Zelon, J.
 Jackson, J.

B207538 People v. Acedo (Not for Publication)

The judgment is affirmed.

Woods, J.

We concur: Perluss, P.J.
Jackson, J.

B211612 Mr. Welt Pocket & Cutting, Inc. (Not for Publication)
v.
Lina El Lawn

The order is affirmed. Respondent is awarded costs on appeal.

Woods, J.

We concur: Perluss, P.J.
Jackson, J.

DIVISION SEVEN (continued)

B211513 Denise A. Nardi (Not for Publication)
 v.
 Richard A. Desantis et al.

The appeal is dismissed. Each party will bear its own costs on appeal.

Woods, J.

We concur: Perluss, P.J.
 Zelon, J.

B207477 Paul J. Anderson (Not for Publication)
 v.
 West Marine, Inc. et al.

The judgment of the trial court is affirmed. Respondents are entitled to costs on appeal.

Woods, Acting P.J.

I concur: Jackson, J.
I dissent: Zelon, J. (Opinion)

DIVISION EIGHT

B209406 People (Not for Publication)
 v.
 Lewis

The clerk of the superior court is directed to modify the abstract of judgment to reflect an award of 1099 days of presentence custody credits and to forward a copy of the corrected judgment to the Department of Corrections. As modified, the judgment is affirmed.

Rubin, Acting P.J.

We concur: Flier, J.
 Mohr, J. (Assigned)

DIVISION EIGHT (continued)

B211614 El-Fadly
 v.
 City of Los Angeles, et al.

B211614 El-Fadly
 v.
 Haug, et al.

Filed order consolidating above captioned appeals.